

Regular Session, 2014

HOUSE BILL NO. 1012

BY REPRESENTATIVES LORUSSO, ADAMS, BILLIOT, STOKES, WILLMOTT, AND  
WOODRUFF AND SENATORS APPEL, MARTINY, AND PETERSON

1 AN ACT

2 To amend and reenact R.S. 33:1420.19, relative to Jefferson Parish; to provide relative to  
3 a special taxing district located within the parish; to provide relative to the  
4 boundaries, purpose, and governance of the district; to provide relative to the powers  
5 and duties of the district and its governing board; to provide relative to district  
6 funding; and to provide for related matters.

7 Notice of intention to introduce this Act has been published  
8 as provided by Article III, Section 13 of the Constitution of  
9 Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 33:1420.19. is hereby amended and reenacted to read as follows:

12 §1420.19. Special district in Jefferson Parish

13 A. Definitions. As used in this Section, the following words and phrases  
14 shall have the following meanings unless the context otherwise requires:

15 (1) "Board" means the governing board of the district or, if such board has  
16 been abolished, the board, body, or commission succeeding to the principal functions  
17 thereof or to whom the powers given to the board by this Section have been given  
18 by law.

19 (2) "Cost", when used with reference to any project, includes but is not  
20 limited to:

21 (a) The expenses of determining the feasibility or practicability of  
22 acquisition, construction, or reconstruction.

23 (b) The cost of surveys, estimates, plans, and specifications.

24 (c) The cost of improvements.

25 (d) Engineering, fiscal, and legal expenses and charges.

- 1                    (e) The cost of all labor, materials, machinery, and equipment.
- 2                    (f) The cost of all lands, rights, servitudes, and franchises acquired.
- 3                    (g) Financing charges.
- 4                    (h) The creation of initial reserve and debt service funds.
- 5                    (i) Working capital.
- 6                    (j) Interest charges incurred or estimated to be incurred on money borrowed  
7 prior to and during construction and acquisition and for such reasonable period of  
8 time after completion of construction or acquisition as the board may determine.
- 9                    (k) The cost of issuance of bonds pursuant to this Section, including  
10 advertisements and printing.
- 11                   (l) The cost of any election held pursuant to this Section and all other  
12 expenses of issuance of bonds.
- 13                   (m) The discount, if any, on the sale or exchange of bonds.
- 14                   (n) Administrative expenses.
- 15                   (o) Such other expenses as may be necessary or incidental to the acquisition,  
16 construction, or reconstruction of any project or to the financing thereof, or to the  
17 development of any lands within the district.
- 18                   (3) "District" means a special district limited to the performance of those  
19 specialized functions authorized by this Section; the boundaries of which are  
20 contained wholly within Jefferson Parish; the governing head of which is a body  
21 created, organized, and constituted and authorized to function specifically as  
22 prescribed in this Section for the delivery of business development and improvement  
23 services; and the formation, powers, governing body, operation, duration,  
24 accountability, requirements for disclosure, and termination of which are as required  
25 by general law.
- 26                   (4) "District roads" means highways, streets, roads, alleys, sidewalks,  
27 landscaping, storm drains, bridges, and thoroughfares of all kinds and descriptions  
28 situated within the district.

1                   (5) "Landowner" means the owner of immovable property as it appears in  
 2                   the official records of the parish, including a trustee, a private corporation, and an  
 3                   owner of a condominium unit.

4                   (6) "Project" or "plan" means any development, improvement, property,  
 5                   utility, facility, works, enterprise, or service hereafter undertaken or established  
 6                   under the provisions of this Section.

7                   (7) "Revenue bonds" means obligations of the district which are payable  
 8                   from revenues derived from sources other than ad valorem taxes on immovable or  
 9                   movable property and which do not pledge the property, credit, or general tax  
 10                  revenue of the district.

11                  ~~A.B.~~ Creation. The governing authority of the parish of Jefferson is hereby  
 12                  authorized pursuant to this Part and more specifically by this Section to create, by  
 13                  ordinance, a special taxing district and political subdivision of the state, referred to  
 14                  in this Section as the "district".

15                  ~~B.C.~~ Boundaries. The district shall be comprised of the property in Jefferson  
 16                  Parish bounded by Veterans Memorial Boulevard, Causeway Boulevard, West  
 17                  Esplanade Avenue, and Division Street: and the development sites fronting on the  
 18                  west side of Division Street.

19                  ~~C.D.~~ Purpose. The district shall be established for the primary purpose of  
 20                  promoting, encouraging, and participating in ~~infrastructure improvements to~~ projects  
 21                  or plans to stimulate the economy through commerce, industry, and research and for  
 22                  the utilization and development of natural, physical, and human resources of the  
 23                  area. The district shall not promote, encourage, or participate in any action to assist  
 24                  in the development or redevelopment of a hotel including infrastructure located on  
 25                  a site to be developed for a hotel; however, nothing shall prohibit the district from  
 26                  providing public infrastructure that benefits the public generally outside the  
 27                  development site of any hotel.

28                  E. Board creation; powers and duties. The board shall be composed of nine  
 29                  members, all of whom shall be qualified voters of the parish and at least seven of

1 whom shall have their principal place of business in, their principal domicile in, or  
 2 own property in the district. The board shall be composed as follows:

3 (1) One member shall be appointed by the parish president.

4 (2) One member shall be appointed by the sheriff of Jefferson Parish.

5 (3) Two of the members shall be appointed by the at-large members of the  
 6 parish council, whereby each at-large councilperson shall appoint one member.

7 (4) Three of the members shall be appointed by the district five  
 8 councilperson.

9 (5) One member shall be appointed by the state senator representing the area  
 10 or a majority of the area of the district.

11 (6) One member shall be appointed by the state representative representing  
 12 the area or a majority of the area of the district.

13 (7) The members of the board initially appointed shall be appointed as  
 14 follows: three members for two years each, three members for three years each, and  
 15 three members for four years each, the length of the term for each individual  
 16 appointed to be determined by lot. They shall serve until their successors have been  
 17 appointed and qualified.

18 (8) The members of the board thereafter appointed, upon the expiration of  
 19 the respective terms of the initial appointees, shall be selected and appointed in  
 20 accordance with the procedures prescribed in this Subsection for the selection and  
 21 appointment of the original members for the term of five years. Any vacancy which  
 22 occurs prior to the expiration of the term for which a member of the board has been  
 23 appointed shall be filled in accordance with the procedures as provided in this  
 24 Subsection.

25 (9) The board of the district shall exercise the powers granted to the district  
 26 pursuant to the provisions of this Section. Each member shall hold office for a term  
 27 of five years and until a successor is chosen and qualifies.

28 (10) As soon as practicable after its appointment, the board shall meet and  
 29 elect from their number a chairman, a vice chairman, a treasurer, and such other  
 30 officers as it may deem appropriate. A secretary of the board may be selected from

1           among the members or may be otherwise selected or employed by the board. The  
 2           duties of the said officers shall be fixed by bylaws adopted by the board.

3           (11) The board shall adopt such rules and regulations as it deems necessary  
 4           or advisable for conducting its business and affairs, and may engage such assistants  
 5           and employees as is needed to assist the board in the performance of its duties.

6           (12) It shall hold regular meetings as shall be provided by its bylaws and  
 7           may hold special meetings at such time and places within or without the district as  
 8           may be prescribed in its rules or regulations.

9           (13) A majority of the members of the board shall constitute a quorum for  
 10          the transaction of business.

11          (14) The board shall keep a permanent record book in which shall be  
 12          recorded minutes of all meetings, proceedings, and any and all corporate acts. The  
 13          record book shall be opened to inspection in accordance with R.S. 44:31 et seq.

14          (15) Each board member may be entitled to receive for his services a per  
 15          diem per meeting and such travel expenses as may be authorized in the bylaws of the  
 16          district.

17          (16) All meetings of the board shall be conducted in accordance with R.S.  
 18          42:11 et seq.

19          (17) The board shall adopt rules of procedure not in conflict with any state  
 20          act or parish ordinance.

21          (18) The board may employ and fix the compensation of a district manager.  
 22          If employed, the district manager shall have charge and supervision of the works of  
 23          the district and shall be responsible for preserving and maintaining any improvement  
 24          or facility constructed or erected pursuant to the provisions of this Section, for  
 25          maintaining and operating the equipment owned by the district, and for performing  
 26          such other duties as may be prescribed by the board. The district manager may hire  
 27          or otherwise employ and terminate the employment of such other persons, including,  
 28          without limitation, professional, supervisory, and clerical employees, as may be  
 29          necessary and authorized by the board. The compensation and other conditions of  
 30          employment of the officers and employees of the district shall be as provided by the

1 board. Notwithstanding R.S. 42:1101 et seq., the district manager or a board member  
 2 or district employee may be a stockholder, officer, or employee of a landowner.

3 (19) The treasurer of the district shall have charge of the funds of the district.  
 4 Such funds shall be disbursed only upon the order of the board by warrant or check  
 5 countersigned by the treasurer and by such other person as may be authorized by the  
 6 board. The board may give the treasurer such other or additional powers and duties  
 7 as the board may deem appropriate. The financial records of the district shall be  
 8 audited by an independent certified public accountant at least once a year.

9 (20) The board may select as a depository for its funds any qualified public  
 10 depository as defined in R.S. 39:1211 et seq.

11 F. Disclosure of public financing. The district shall take affirmative steps  
 12 to provide for the full disclosure of information relating to the public financing and  
 13 maintenance of improvements to immovable property undertaken by the district.  
 14 Such information shall be made available to all existing residents, and to all  
 15 prospective residents, of the district.

16 G. Development activities. In order to effectuate the purposes of this  
 17 Section, the board shall have the specific authority provided in Subsection H of this  
 18 Section; such authority shall be exercised solely within the district.

19 (1) The board shall collaborate with parish government to prepare,  
 20 implement, and maintain a redevelopment plan for the district and a program to  
 21 implement the redevelopment plan, which shall be a part of the parish's  
 22 comprehensive plan. The program shall address capital improvements and shall  
 23 implement the plan in such a manner as to aid and encourage private development  
 24 of the area and to promote and coordinate public development. In collaborating with  
 25 parish government, the board may conduct studies and may consult with all  
 26 departments of Jefferson Parish and other public or private agencies concerned with  
 27 matters affecting or affected by the program.

28 (2) After adoption of the development program, the board may implement  
 29 any portion thereof in such manner as shall, in its judgment, most likely accomplish  
 30 the program. To that end, the district may employ or contract with contractors,

1 engineers, architects, attorneys, underwriters, and other professionals in accordance  
 2 with state law.

3 (3) The board shall prepare each year an annual budget in accordance with  
 4 the Louisiana Local Government Budget Act, R.S. 39:1301 et seq.

5 ~~D.H.~~ Rights and powers. The district, ~~acting by and through the Jefferson~~  
 6 ~~Parish Council, referred to in this Section as the "board",~~ shall have and exercise all  
 7 powers of a political subdivision and special taxing district necessary or convenient  
 8 for the carrying out of its objects and purposes, including but not limited to the  
 9 following:

10 (1) To sue and to be sued.

11 (2) To adopt bylaws and rules and regulations.

12 (3) To receive by gift, grant, donation, or otherwise any sum of money,  
 13 property, aid, or assistance from the United States, the state of Louisiana, or any  
 14 political subdivision thereof, or any person, firm, or corporation.

15 (4) For the public purposes of the district, to enter into contracts, agreements,  
 16 or cooperative endeavors with the state and its political subdivisions or political  
 17 corporations and with any public or private association, corporation, business entity,  
 18 or individual.

19 (5) To appoint officers, agents, and employees, prescribe their duties, and fix  
 20 their compensation.

21 (6) To acquire by gift, grant, purchase, lease, or otherwise such property as  
 22 may be necessary or desirable for carrying out the objects and purposes of the district  
 23 and to mortgage or sell such property.

24 (7) In its own name and on its own behalf to incur debt and to issue bonds,  
 25 notes, certificates, and other evidences of indebtedness. For this purpose, the district  
 26 shall be deemed and considered to be an issuer as provided in R.S. 33:9037 and shall,  
 27 to the extent not in conflict with this Section, be subject to the provisions of R.S.  
 28 33:9037.

29 (8) To establish such funds or accounts as are necessary for the conduct of  
 30 the affairs of the district.

1                   (9) To create or extend a new or existing sales or property tax increment  
 2                   financing district with the consent of the parish council by ordinance.

3                   (10) To determine, order, levy, impose, collect, enforce, and distribute a  
 4                   parcel fee, ad valorem tax, and/or and other types of special assessments within the  
 5                   district with the consent of the parish council and subject to the approval of voters  
 6                   within the district.

7                   (11) To charge, collect, and enforce fees and other user charges within the  
 8                   boundaries of the district.

9                   (12) To exercise all of the powers necessary and proper in connection with  
 10                   any of the powers, duties, or purposes authorized by this Section.

11                   I. Revenue. (1) The properties from which each special assessment shall be  
 12                   collected shall be within the district and may be comprised of all or a portion of the  
 13                   district as specified by Jefferson Parish ordinances.

14                   (2)(a) Subject to the approval of the parish council and electors within the  
 15                   district, the district may levy an ad valorem tax for such number of years as may be  
 16                   provided in the proposition authorizing its levy as an assessment for the purpose of  
 17                   implementing the redevelopment plan or plans and for the operating expenses of the  
 18                   district.

19                   (b) Any ad valorem tax levied by the district shall be subject to homestead  
 20                   exemption as provided by Article VII, Section 20 of the Constitution of Louisiana.

21                   (c) No ad valorem tax may be levied unless authorized by a majority of the  
 22                   electors within the boundaries of the district who vote at an election held for that  
 23                   purpose in accordance with the applicable provisions of the Louisiana Election  
 24                   Code. The parish council shall call any such election.

25                   (d) Any tax levied pursuant to the authority of this Section shall be in  
 26                   addition to all other taxes which other political subdivisions in the parish now or  
 27                   hereafter may be authorized by law to levy and collect. All services and programs  
 28                   to be provided from the proceeds of the tax shall be in addition to the services and  
 29                   programs which are otherwise provided by other governing authorities.



1           ~~E.(1)~~(3) In addition to any other authority provided for in this Section and  
 2           pursuant to a cooperative endeavor agreement, the district may issue revenue bonds  
 3           payable solely from an irrevocable pledge and dedication of up to the full amount of  
 4           any sales tax increment designated by the board to finance or refinance or to pay all  
 5           of or a portion of the costs of projects located within the district which will result in  
 6           economic development or the maintenance of existing jobs or will achieve other  
 7           economic goals that will benefit the parish of Jefferson. The district may also utilize  
 8           any sales tax increment designated by the board for any authorized purpose of the  
 9           district.

10           ~~(2)~~(4)(a) A sales tax increment may consist of that portion of state sales tax  
 11           revenues of the state of Louisiana and any political subdivision whose boundaries are  
 12           coterminous with those of the state collected each year on the sale at retail, the use,  
 13           the lease or rental, the consumption, and storage for use or consumption of tangible  
 14           personal property and on sales of services, all as defined in R.S. 47:301 et seq., or  
 15           any other applicable provision of law, as amended, from taxpayers located within the  
 16           district which exceeds the sales tax revenues that were collected by such taxing  
 17           authorities in the year immediately prior to the year of establishment of the district.

18           (b) Prior to the dedication of any state sales tax increments to be used to pay  
 19           for an authorized purpose of the district, the secretary of the Department of  
 20           Economic Development shall submit his recommendation of the proposal to the Joint  
 21           Legislative Committee on the Budget for review and approval. In addition, any  
 22           cooperative endeavor agreement or other agreement providing for the expenditure  
 23           of funds collected by the state as state sales tax increments and dedicated to a project  
 24           or for the payment of revenue bonds therefor shall be subject to approval by the State  
 25           Bond Commission prior to execution by the state.

26           (c)(i) The board shall designate the initial annual baseline collection rate for  
 27           the district, which shall be the amount of the sales taxes collected in the district in  
 28           the fiscal year most recently completed prior to the establishment of the district. In  
 29           addition, a monthly baseline collection rate shall be determined by dividing the  
 30           initial annual baseline collection rate by twelve.

1           (ii) The initial annual baseline collection rate and the monthly baseline  
 2           collection rate shall be certified by the chief financial officer of Jefferson Parish.  
 3           The certification shall also be published one time in the official journal of Jefferson  
 4           Parish.

5           (iii) If the amounts of the initial annual baseline collection rate and the  
 6           monthly baseline collection rate are not contested within thirty days after ~~the said~~  
 7           such publication, then such amounts shall be conclusively presumed to be valid, and  
 8           no court shall have any jurisdiction to alter or invalidate the designation of the  
 9           amount of either the initial annual baseline collection rate or the monthly baseline  
 10          collection rate.

11          (d) The increment of the sales taxes which are to be pledged and dedicated  
 12          to the payment of the revenue bonds or otherwise used for district purposes as  
 13          provided in this Section shall be the amount of the sales taxes which are collected in  
 14          the district each year in excess of the initial annual baseline collection rate. The  
 15          pledged sales tax increment may include all or any portion of such excess as  
 16          determined by the board.

17          ~~(3)~~(5) Dedication of sales tax increments to pay the revenue bonds or other  
 18          use of sales tax increments for district purposes as provided in this Section shall not  
 19          impair existing obligations and shall not include tax revenues of a tax authority  
 20          previously dedicated for a special purpose unless a majority of the electors within the  
 21          territorial jurisdiction of such tax authority voting at an election held for such  
 22          purpose approves the use of such tax for the purposes provided for in this  
 23          Subsection.

24          (6) In addition to any other authority provided for in this Section and  
 25          pursuant to the provisions of R.S. 33:9032 and 9038.33, the district may issue  
 26          revenue bonds payable solely from ad valorem tax increments.

27          (7) The governing authority of Jefferson Parish is hereby authorized to  
 28          impose and collect a parcel fee within the district subject to and in accordance with  
 29          the provisions of this Paragraph:

1           (a) The amount of the fee shall be as requested by duly adopted resolution  
2           of the council. The fee shall be a flat fee per each parcel of land.

3           (b) The fee shall be imposed on each parcel located within the district.

4           (c) For purposes of this Section, "parcel" means a lot, a subdivided portion  
5           of ground, an individual tract, or a "condominium parcel" as defined in R.S.  
6           9:1121.103. Thus with respect to condominiums, the fee collector shall impose the  
7           parcel fee on each lot on which condominiums are situated and not on individual  
8           condominium units.

9           (d) The owner of each parcel shall be responsible for payment of the fee. The  
10           tax collector shall submit the bill for a parcel fee which is to be collected from the  
11           condominium owners to the condominium owners association, and the association  
12           shall pay the fee from funds available for that purpose. The association shall remain  
13           liable for the entire fee until it is paid.

14           (e) The fee shall be imposed only after the question of its imposition has  
15           been approved by a majority of the registered voters of the district voting on the  
16           proposition at an election held for that purpose in accordance with the Louisiana  
17           Election Code. No other election shall be required except as provided by this  
18           Paragraph.

19           (f) The fee shall expire four years from its initial levy.

20           (g) The fee may be renewed as provided in Subparagraph (e) of this  
21           Paragraph.

22           (h) The fee shall be collected at the same time and in the same manner as ad  
23           valorem taxes are collected by the parish.

24           (i) Any parcel fee which is unpaid shall be added to the tax rolls of the parish  
25           and shall be enforced with the same authority and subject to the same penalties and  
26           procedures as unpaid ad valorem taxes.

27           (j) The Jefferson Parish Sheriff's Office shall remit to the district all amounts  
28           collected not more than sixty days after collection. However, the sheriff's office may  
29           retain one percent of the amount collected as a collection fee.

1           J. Exemption from taxes. It is hereby determined that the creation of the  
 2           district and the carrying out of its public functions and corporate purposes is, in all  
 3           respects, a public and governmental purpose for the benefit of the people of the  
 4           state, and for the improvement of their health, safety, welfare, prosperity, and  
 5           security, and that such functions and purposes are public purposes and that the  
 6           district will be performing an essential governmental function in the exercise of the  
 7           powers conferred upon it by this Section. All obligations authorized to be issued by  
 8           the district pursuant to the provisions of this Section, together with interest thereof,  
 9           income therefrom, and gain upon the sale thereof shall be exempt from all state and  
 10           local taxes.

11           K. Dissolution. If the district ceases to exist, any funds of the district shall  
 12           be transmitted to the governing authority of Jefferson Parish, and shall be used solely  
 13           and exclusively for providing supplemental improvements, maintenance, repair, and  
 14           upkeep to the streets and related infrastructure of the Metairie CBD area.

15           F.L. Liberal construction. This Section, being for a public purpose and  
 16           necessary for the welfare of the state, Jefferson Parish, and their residents, shall be  
 17           liberally construed to effect the purposes thereof.

18           Section 2. This Act shall become effective upon signature by the governor or, if not  
 19           signed by the governor, upon expiration of the time for bills to become law without signature  
 20           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 21           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 22           effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_